

Appl. No. 09/917,320
Response Dated June 12, 2006
Reply to Office Action of January 11, 2006

REMARKS

Claims 1-20 stand in this application. Claims 5 and 13 have been amended. No new matter has been added. The applicants respectfully request favorable reconsideration and allowance of the standing claims.

35 U.S.C. § 103(a)

At page 2, paragraph 4 claims 1-9, 13-16, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Unites States Patent No. 6,871,063 to Schiffer in view of United States Patent No. 6,633,759 to Kobayashi and in further view of United States Patent Application Publication US2003/0008680 to Huh et al. (herinafter Huh). The applicants respectfully traverse the rejection, and request reconsideration and withdrawal of the obviousness rejection.

The Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness. According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). *See* MPEP 706.02(j).

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As recited above, to form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. See MPEP § 2143.03, for example. The applicants respectfully submit that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to teach or suggest every element recited in claims 1-9, 13-16, 19, and 20. Therefore claims 1-9, 13-16, 19, and 20 define over Shiffer in view of Kobayashi and Huh whether taken alone or in combination.

For example, currently amended independent claim 1 recites the following language, in relevant part:

. . . determining whether the first network identifier satisfies a first access requirement stored locally at the mobile device by the mobile device. . .
(emphasis added)

The Examiner alleges that Schiffer column 4 lines 40-55 teach determining whether the first network identifier satisfies a first access requirement stored locally at the device by the device. The applicants disagree. For example, the cited portions of Schiffer disclose that “. . . an access code is transmitted from . . . mobile phone 100 to . . . computer system 110 via link 121.” Further, “[t]he access code transmitted from mobile phone 100 to computer system 100 . . . is generated by mobile phone 100 using data stored in SIM 101.” The applicants assert, however, that the verification of the access code is completed by the computer system and not the mobile phone. For example, Schiffer column 4 line 40 indicates that “. . . processor 112 [of computer system 110] may verify the access code. . . .” Further, lines 54-56 indicate that “[o]nce the access code has been verified by computer system 110 . . . the computer system grants the user access

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to the system. . . .” Accordingly the applicants assert that the cited portions of Schiffer teach that the verification of the access code is performed not by the mobile device, but by the computer system to which it couples. Accordingly, the applicants affirm that the cited portions of Schiffer fail to teach determining whether the first network identifier satisfies a first access requirement stored locally at the mobile device by the mobile device as recited by independent claim 1. The Examiner takes official notice that at the time the invention was made, one of ordinary skill in the art would have moved the user name and password authentication from the cellular phone to the computer system because one of ordinary skill in the art would have recognized the larger memory and processing power of the computer system, and further to ensure that the computer system cannot be accessed by a thief who simply steals a cellular phone. While neither agreeing or disagreeing with the Examiner, the applicants note that the situation the Examiner describes does not correspond to what independent claim 1 recites as pointed out above.

Accordingly, the applicants respectfully confirm that independent claim 1 is patentable over Schiffer in view of Kobayashi and Huh as it recites at least an element not taught by each either individually or in combination. Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example. Accordingly, the applicants respectfully request that the Examiner remove the obviousness rejection with respect to claims 2-4.

Currently amended independent claim 5 and 13 recite at least a feature similar to those recited in currently amended independent claim 1. Therefore, for reasons analogous to those presented with respect to currently amended independent claim 1, the applicants respectfully submit that currently amended independent claims 5 and 13, and all claims

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directly or indirectly depending therefrom, are not anticipated and are patentable over
Schiffer in view of Kobayashi and Huh. Accordingly, the applicants respectfully requests
removal of the anticipation rejection with respect to claims 5-20.

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CONCLUSION

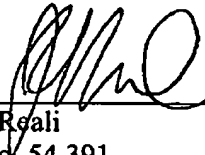
For at least the foregoing reasons, the applicants submit that they have overcome the Examiner's rejections and that they have the right to claim the invention as set forth in the listed claims. The Examiner is invited to contact the undersigned at 360-696-8602 to discuss any matter concerning this application.

The applicants do not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, the applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The applicants believe that claims 1-20 are in allowable form. Accordingly, the applicants earnestly solicit a timely Notice of Allowance to this effect.

Respectfully submitted,

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